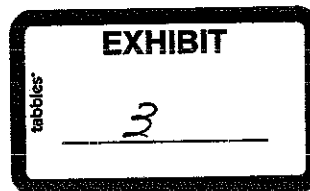


Bradley A. Schlottman  
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IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                           |   |                   |
|---------------------------|---|-------------------|
| 1. BRADLEY SCHLOTTMAN,    | ) |                   |
|                           | ) |                   |
| 2. JONATHAN SCHLOTTMAN,   | ) |                   |
|                           | ) |                   |
| 3. JOSEPH MCMUNN,         | ) |                   |
|                           | ) |                   |
| Plaintiffs,               | ) |                   |
| vs.                       | ) | NO. CIV-08-1275-C |
|                           | ) |                   |
| 1. UNIT DRILLING COMPANY, | ) |                   |
|                           | ) |                   |
| 2. SHANE BATTLES, an      | ) |                   |
| individual,               | ) |                   |
|                           | ) |                   |
| Defendants.               | ) |                   |



\* \* \* \* \*

VIDEOTAPED DEPOSITION OF BRADLEY A. SCHLOTTMAN

TAKEN ON BEHALF OF THE DEFENDANTS

ON MAY 25, 2010

IN OKLAHOMA CITY, OKLAHOMA

\* \* \* \* \*

APPEARANCES:

MS. TAMARA GOWENS, Attorney at Law, of the  
firm, HAMMONS, GOWENS & ASSOCIATES, 325 Dean A.  
McGee Avenue, Oklahoma City, Oklahoma 73102,  
appearing on behalf of the Plaintiffs.

MR. W. KIRK TURNER, Attorney at Law, of  
the firm, NEWTON, O'CONNOR, TURNER & KETCHUM, 15  
West Sixth Street, Suite 2700, Tulsa, Oklahoma  
74119-5423, appearing on behalf of the Defendants.

VIDEOGRAPHER: Mr. Walt Filipek, Courtroom Video  
REPORTED BY: MELINDA R. NIEVEZ, CSR, RPR

Steve Meador and Associates

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1 treatment?

2 **A** I did.

3 **Q** Any other complaints of harassment or  
4 discrimination in the workplace?

5 **A** There is not.

6 **Q** Do we agree -- and I just want to try to  
7 set some dates for parameters' sake. You told me  
8 that you left the military in -- in October of 2007,  
9 correct?

10 **A** That is correct.

11 **Q** And do we agree that you commenced  
12 employment at Unit in November of 2007?

13 **A** I did.

14 **Q** All right. Did you have any employment  
15 between the date of your discharge from the military  
16 and your beginning employment at Unit in November of  
17 2007?

18 **A** I did not.

19 **Q** So is it -- is it true that the first  
20 place of employment that you -- the first place you  
21 went to work after your discharge from the military  
22 was at Unit Drilling?

23 **A** It was.

24 **Q** And do we agree that your employment at  
25 Unit started on November 21, 2007?

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1           **A**     I won't agree to the exact date at this  
2     time.

3           **Q**     All right. Well, do you have any reason  
4     to dispute that it was November 21, 2007?

5           **A**     I do not.

6           **Q**     Okay. You're just saying, I don't  
7     remember what day it was?

8           **A**     Correct.

9           **Q**     You're not saying, I dispute that?

10          **A**     Correct.

11          **Q**     Okay. And then do we also agree that your  
12     employment -- that the last day that you actually  
13     worked for Unit Drilling was in April of 2008?

14          **A**     That is correct.

15          **Q**     And do we also agree that the last day  
16     that you worked -- actually physically worked for  
17     Unit was April 15, 2008?

18          **A**     Again, I'm not going to agree to a date  
19     for the simple fact of not remembering the exact  
20     date.

21          **Q**     Do you have any reason to dispute if the  
22     records of Unit said the last day that you actually  
23     worked on Rig 150 was April 15, 2007?

24          **A**     I would have no reason to dispute it, no.

25          **Q**     And do we agree that you voluntarily left

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1       your employment at Unit?

2           **A**     That is incorrect.

3           **Q**     All right. Were you terminated from  
4       employment at Unit? In other words, were you  
5       involuntarily discharged?

6           **A**     I believe I was, yes.

7           **Q**     And who involuntarily discharged your  
8       employment?

9           **A**     I believe it would have been Shane  
10      Battles.

11          **Q**     Did Mr. Battles utter the words, you're  
12      fired, or, your employment is terminated?

13          **A**     Not to me, no.

14          **Q**     Did he do it to anybody, to your  
15      knowledge?

16          **A**     To my knowledge, I couldn't say.

17          **Q**     Did he do it to your brother, to your  
18      knowledge?

19          **A**     Not that I know of, no.

20          **Q**     All right. Did anybody ever voice to you  
21      that your employment was being severed at Unit?

22          **A**     I believe Carl may have said something  
23      about it, but I can't remember the exact on it.

24          **Q**     Do you remember that you were actually  
25      scheduled to work on a -- on the following hitch and

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1           **Q**     All right.

2           **A**     I will attempt to explain to the best of  
3 my memory. I've worked at numerous, so I may miss  
4 one or two here and there.

5           **Q**     Sure. That's all I can ask you is the  
6 best of your memory today, so -- and I may refresh  
7 your memory about certain places if you have  
8 forgotten. But I just want to get today the best of  
9 your recollection of the places of your employment  
10 and the dates of your employment as best you can  
11 recall, okay?

12          **A**     Okay.

13          **Q**     So when you -- when you left Unit, is it  
14 true that the first place you went to work was at  
15 Nabors Drilling?

16          **A**     That is correct.

17          **Q**     All right. And do you recall how long a  
18 period of time you worked at Nabors?

19          **A**     Approximately three to four months.

20          **Q**     All right. So that would be -- and,  
21 again, roughly, that would be sometime in the August  
22 to September of 2008 range? I'm just trying to  
23 understand the chronology.

24          **A**     No. It was sometime in July, I believe --

25          **Q**     All right.

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1           Q     All right. How long -- how long did  
2     you -- how long were you employed at Nomac?

3           A     Approximately 11 days, maybe 12.

4           Q     And where did you work next?

5           A     After Nomac, I believe it was Patterson.

6           Q     All right. And how long did you work at  
7     Patterson?

8           A     One hitch.

9           Q     Patterson Drilling, right?

10          A     Patterson UTI, I believe, is their  
11     technical.

12          Q     All right. And is that a drilling  
13     company?

14          A     It is.

15          Q     All right. And how long did you work at  
16     Patterson?

17          A     Could you clarify "worked at"?

18          Q     How long were you employed by Patterson?

19          A     I was employed approximately one month.

20          Q     And then where did you work after  
21     Patterson?

22          A     After Patterson, I believe I went to work  
23     for Pioneer.

24          Q     Is that also a drilling company?

25          A     It is.

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1           **Q**     Uh-huh. Did you understand that you had  
2           an obligation to track how much money you actually  
3           received from any -- how much income you actually  
4           received from any source?

5                     MS. GOWENS: Object to the form. You can  
6           respond.

7                     THE WITNESS: I was not aware of that, no.

8           **Q**     (BY MR. TURNER) Well, how would you know  
9           at what level you were supposed to pay in taxes if  
10          you didn't track how much income you actually  
11          received?

12          **A**     I am not a tax attorney. I have no clue  
13          at what point I have to pay in taxes.

14          **Q**     But you made the decision -- you  
15          personally made the decision that you weren't going  
16          to pay taxes on whatever income you received from  
17          your work at So Cal; is that true?

18          **A**     That is.

19          **Q**     In other words, nobody else told you, hey,  
20          don't report this income?

21          **A**     That is correct.

22          **Q**     The -- we were talking about your  
23          employment. Did you ever work for a company called  
24          Cactus Drilling?

25          **A**     Yes, I did. I'm sorry.

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1           **Q**     You realize that's on the record, right,  
2           your coughing?

3           **A**     That's okay.

4                     Yes. I did work for Cactus. That is one  
5           I had forgotten about.

6           **Q**     Okay. And do you recall where in the  
7           chronology you worked for Cactus?

8           **A**     Cactus would have been right after Nomac,  
9           I believe, and right before Patterson.

10          **Q**     All right. So your -- if I'm -- if my  
11          chronology is correct, Nomac, Cactus, and then  
12          Patterson?

13          **A**     I believe so, yes.

14          **Q**     Okay. Are there any other -- any other  
15          companies with whom you've worked that you can  
16          recall as we sit here -- and I may ask you about  
17          others. But as we sit here today, is that the best  
18          of your recollection?

19          **A**     After Pioneer, I went to work for another  
20          one. I mean, if you're talking to current, that  
21          isn't a full account of it, no.

22          **Q**     Okay. So let's go -- let's go to current.

23          **A**     Okay. After Pioneer, I went to work  
24          for H&P -- or no -- Pioneer, I went to work for  
25          So Cal. After So Cal, I went to work for DIRECTV.



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1           **A**     He did.

2           **Q**     And is that the reason why his employment  
3 ended, is because he and his -- he got into an  
4 argument with his driller?

5           MS. GOWENS: Object to the form. You can  
6 respond.

7           THE WITNESS: To my knowledge, the  
8 argument was over his termination.

9           **Q**     (BY MR. TURNER) Oh, the argument was your  
10 brother disagreed with the termination of his  
11 employment?

12          **A**     To my knowledge, that's what the argument  
13 was over, yes.

14          **Q**     That's what he told you?

15          **A**     Correct.

16          **Q**     All right. And do you know when his  
17 employment ended or how long he worked?

18          **A**     Again, assuming that your terminology of  
19 "worked" goes for the period of which he was  
20 employed, I believe it was approximately three  
21 weeks.

22          **Q**     Is it true, Mr. Schlottman, that you and  
23 your brother, at least while you worked in the  
24 drilling industry -- or actually at least since you  
25 left Unit, that you and he worked at the same

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1 companies for the same periods of time?

2 MS. GOWENS: I'm sorry. Which brother?

3 Q (BY MR. TURNER) I'm sorry. Jon.

4 A Repeat the question, please.

5 Q Yeah. I just want to make sure the  
6 record's clear, is that from the point where you  
7 began -- you and your brother began to work at Unit,  
8 from that point forward, up until Helmerich & Payne,  
9 that you and your brothers worked at the same jobs  
10 at identical times?

11 A I can't recall a time where that statement  
12 would be incorrect.

13 Q All right. And is it also true that if  
14 one of you got terminated from your employment, the  
15 other one quit that particular job during that  
16 period of time?

17 A That is correct.

18 Q All right. In other words, if you got  
19 terminated involuntarily, your brother would quit  
20 that job at that time?

21 A That is correct.

22 Q And that happened, didn't it?

23 A It did.

24 Q All right. And the same would be true of  
25 him. He was involuntarily terminated, and you quit

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1 your job as a result of his involuntary termination?

2 **A** That is correct.

3 **Q** But that did not happen at H&P; is that  
4 true?

5 **A** That is correct.

6 **Q** You decided to stay employed at H&P?

7 **A** That is correct.

8 **Q** And you have continued your employment at  
9 H&P from November of '09 until May of 2010?

10 **A** That is correct.

11 **Q** Do you have any present intention of  
12 leaving your employment at Helmerich & Payne?

13 **A** I do not.

14 **Q** Do you know how much money you were making  
15 on an hourly basis at the time that you left  
16 employment at Unit?

17 **A** I don't remember the exact dollar amount.

18 **Q** Do you recall a neighborhood or an  
19 estimate?

20 **A** Somewhere between 17 and \$20 an hour.

21 **Q** All right. And up and to that point in  
22 time, is that the most money that you ever made on  
23 an hourly basis?

24 **A** On an hourly basis, I would say that was  
25 true.

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1           Q     All right. Was it the most money you'd  
2     ever made, just for purposes of income?

3           A     I can't swear to that being the most I've  
4     ever made.

5           Q     All right. When you went -- when you left  
6     employment at Unit and went to work at Nabors, did  
7     you make more or less money on an hourly basis than  
8     you made at Unit?

9           A     Could you clarify the question there just  
10    a little bit?

11          Q     Sure. What part do you not understand?

12          A     I'm -- is this before expenses are  
13    figured, or is this just --

14          Q     I'm just trying to understand your hourly  
15    rate.

16          A     Was the hourly rate more? Yes.

17          Q     And do you know how much more?

18          A     I can't remember, no. I can't remember  
19    the exact amount I was making for either company.

20          Q     All right. Do you recall the range -- I  
21    know you told me you thought the range was in the  
22    17- to \$20-an-hour range. Do you recall what the  
23    Nabors Drilling range was?

24          A     I believe it was mid 20s.

25          Q     When you worked at Unit, were you required

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1 to pay your own expenses?

2 **A** At the start of it, I was receiving  
3 per diem, so I don't consider that to be completely  
4 paying for my expenses. I was required to pay for  
5 anything that exceeded my per diem.

6 There at the end, whenever they  
7 restructured everything to where they did away with  
8 per diem and raised the hourly rate, at that point I  
9 was required to pay for all of my expenses.

10 **Q** All right. And your expenses would  
11 include your travel expenses?

12 **A** It would.

13 **Q** And it would include your meal expenses?

14 **A** It would.

15 **Q** All right. And then did -- did Unit  
16 provide a place for you to stay?

17 **A** They did.

18 **Q** All right. And at Nabors were you  
19 required to pay your own expenses?

20 **A** I was.

21 **Q** And would that include your travel  
22 expenses?

23 **A** It would.

24 **Q** And would that include your meal expenses?

25 **A** It would.

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1           **Q**     And would it include housing expenses?

2           **A**     No. We were provided a bunkhouse.

3           **Q**     All right. So the only -- the only  
4 difference in expense would be the -- the actual  
5 amount of travel, the number of miles that you  
6 traveled from one job to the next?

7                     I mean, as between Unit, driving to Texas  
8 or driving to Oklahoma was a shorter travel in terms  
9 of amount of gas expense than -- than going to  
10 Colorado?

11           **A**     No, that's not true. The grocery rate and  
12 everything else, if I remember right, was a little  
13 bit higher. The cost of living was higher in Utah  
14 than it was in Texas or Oklahoma, either one.

15           **Q**     All right. How much higher?

16           **A**     I -- I can't remember an exact amount. I  
17 remember fuel was considerably higher for up there.

18           **Q**     All right. How much higher?

19           **A**     I can't -- couldn't tell you the exact  
20 amount. I just remember it was a concern of ours.

21           **Q**     Is it -- is it true that the hourly rate  
22 that you received and the number of hours that you  
23 worked more than made up for any difference in  
24 expense?

25                     In other words, the net amount of money

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1       that you made was substantially more at Nabors than  
2       it was at Unit?

3           **A**     I would not agree with that statement, no.

4           **Q**     Was it more than you made at Unit?

5           **A**     I -- after figuring expenses, I couldn't  
6       testify for sure whether it was or not.

7           **Q**     Was it less?

8           **A**     Again, I couldn't testify for sure whether  
9       it was more or less.

10          **Q**     You don't have any testimony, as we sit  
11       here today, that it was --

12          **A**     I would say it was comparable.

13          **Q**     So was the -- you would say it was roughly  
14       even, even though you were making more on a --  
15       substantially more on an hourly basis, right?

16          **A**     To the best of my knowledge, I would say  
17       that it was comparable, yes.

18          **Q**     Okay. So you don't -- you don't think you  
19       made less, right?

20          **A**     Again, without something to remind me of  
21       the exact amounts that it varied, I couldn't testify  
22       for sure.

23          **Q**     Okay. We'll talk about that as we go,  
24       just to make sure I understand what your testimony  
25       is in that regard, okay?

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1           A     I do.

2           Q     Okay. And you -- don't you admit that you  
3     lied on your employment application --

4           MS. GOWENS: Object --

5           Q     (BY MR. TURNER) -- with Nabors Drilling?

6           MS. GOWENS: Object to the form.

7           THE WITNESS: That is correct.

8           Q     (BY MR. TURNER) You -- you indicate here  
9     on the application, Exhibit 26, that the date of  
10    your application was 21 April, 2008. Do you see  
11    that on the first page?

12          A     I do.

13          Q     And then look at the last page, if you  
14    would, on the -- where you've signed it, and the  
15    date of that document is again 21 April, 2008.

16          A     Is there a question there?

17          Q     Yes. Is that true?

18          A     That is true.

19          Q     Okay. And does this refresh your  
20    recollection as to the date you actually filled out  
21    your application?

22          A     I wouldn't say it refreshes it. But given  
23    it is in my handwriting, I would believe it to be  
24    true.

25          Q     Do you have any reason to dispute or deny



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1 at Unit?

2 **A** I did.

3 **Q** I also notice here that you say that your  
4 immediate supervisor was Carl Powell. Do you see  
5 that?

6 **A** I do.

7 **Q** Was that true?

8 **A** It is.

9 **Q** He was your immediate supervisor?

10 **A** He was.

11 **Q** All right. And then right next to that,  
12 you say -- "Summarize the nature of work performed  
13 and job responsibilities." Do you see that?

14 **A** I do.

15 **Q** And it says, "Floor hand through motors."

16 **A** It does.

17 **Q** That was not true, was it?

18 **A** It was.

19 **Q** You were a motor -- you did -- you worked  
20 as a motor man?

21 **A** It -- it says worked performed --

22 **Q** Right.

23 **A** -- so that -- that statement is true.

24 **Q** Oh, you're saying -- so you don't believe  
25 that's misleading at all --

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1           **A**     It is not.

2           **Q**     -- that the work that you did as a  
3 motor -- that you didn't do any work as a motor man?

4           **A**     That statement is 100 percent accurate.

5           **Q**     Okay. And then here it says the reason  
6 for leaving is still employed. Was that true?

7           **A**     It is.

8           **Q**     And then I notice here on your pay that  
9 you say \$12 an hour that you started at, up to  
10 \$19.30 an hour?

11          **A**     That is correct.

12          **Q**     All right. And do I understand, then,  
13 that at Unit, between November of 2007 to April of  
14 2007, you received raises in hourly pay, that range  
15 from \$12 in the beginning to \$19.30 an hour at the  
16 end?

17          **A**     That is correct.

18          **Q**     All right. So you received about \$7 an  
19 hour in increase in wages; is that true, on an  
20 hourly basis?

21          **A**     Okay. On an hourly basis, that is true.

22          **Q**     Okay. Were you a mechanic for four and a  
23 half years in the Army?

24          **A**     I was.

25          **Q**     All right. And had you been a floor man

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1           **A**     He was.

2           **Q**     He was a tool pusher, wasn't he?

3           **A**     Correct.

4           **Q**     He wasn't the driller on that rig, was he?

5           **A**     Correct.

6           **Q**     Why didn't you identify your driller if he  
7           was your immediate supervisor?

8           **A**     Because at that point I had -- I didn't  
9           have a set driller. I was going through driller  
10          after driller, so I didn't have a set supervisor.

11          **Q**     All right. I notice here that you said  
12          your salary was \$26.50 an hour at Nabors. Do you  
13          see that?

14          **A**     I do see that.

15          **Q**     And that's your handwriting, right?

16          **A**     It is.

17          **Q**     Okay. And this would have been within a  
18          month of the end of your employment at Nabors,  
19          correct?

20          **A**     Correct.

21          **Q**     So you certainly would have a better  
22          recollection of the actual amount hourly you were  
23          receiving, right? That would be --

24          **A**     I would say that would be correct.

25          **Q**     Okay. So you were making -- you were

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1 making \$26.50 an hour. And then you said here the  
2 reason for leaving was the distance was too far to  
3 travel to Utah.

4 **A** That's what is written there, yes.

5 **Q** That's not true, is it?

6 **A** No, it is not.

7 **Q** That's a lie, isn't it?

8 **A** That it is.

9 **Q** And you didn't want to tell them that you  
10 had been involuntarily terminated, didn't you?

11 **A** That is correct.

12 **Q** Because you thought you might not get the  
13 job; isn't that right?

14 **A** That is correct.

15 **Q** You don't -- do you think under those  
16 circumstances that it's okay to lie about what  
17 happened with your prior employment, in that  
18 particular circumstance where you wrote down  
19 something that was not true?

20 **A** Given the financial stress of my family --

21 **Q** No, sir.

22 **A** -- at the time, I believe it was, yes.

23 **Q** I'm just asking about whether or not you  
24 believe morally and ethically that that's an  
25 appropriate way to communicate to a prospective

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1           **Q**     (BY MR. TURNER) It is. I'm telling you  
2           it's mentioned in there.

3                     But is it your testimony that you believe  
4           that because of your financial stress, that it's  
5           okay to lie to a prospective employer? Is that your  
6           testimony here to this jury?

7           **A**     Yes..

8           **Q**     The next place of employment you  
9           identified is Unit Drilling. Do you see that?

10          **A**     I do.

11          **Q**     And you -- I see here you identified that  
12          you worked the floors. Was that correct?

13          **A**     It was.

14          **Q**     All right. And then your dates of  
15          employment were 10/10/07 to 4/20/08. Do you see  
16          that?

17          **A**     I do.

18          **Q**     That wasn't true, was it?

19          **A**     No, it was not.

20          **Q**     That's a -- that's a lie?

21          **A**     It was.

22          **Q**     And I notice here that you identified on  
23          this document as -- your supervisor as Shane  
24          Battles.

25          **A**     That is correct.

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1           **Q**     And Mr. Battles wasn't your immediate  
2 supervisor, was he?

3           **A**     It doesn't specify immediate supervisor.

4           **Q**     So you felt like Mr. Battles would give  
5 you a better reference than Mr. Powell would?

6           **A**     I wouldn't attest as to why I put him  
7 down.

8           **Q**     Well, you certainly identified him as the  
9 person who was your supervisor, right?

10          **A**     I did.

11          **Q**     And then here you identified your salary  
12 as \$19.30 per hour.

13          **A**     I did.

14          **Q**     Does that refresh your memory as to how  
15 much money you made on an hourly basis at Unit?

16          **A**     I wouldn't say it refreshes my memory, no.

17          **Q**     Do you have any reason to dispute your own  
18 document?

19          **A**     I do not.

20          **Q**     Okay. So based upon that, would you agree  
21 with me that at least insofar as it relates to your  
22 employment at Nabors, you were making more than  
23 \$7 per hour on an hourly basis?

24          **A**     I would.

25          **Q**     And do I understand that a typical hitch,

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1 MS. GOWENS: Object to the form.

2 Q (BY MR. TURNER) Did you tell him that --  
3 what -- did you tell him that the information on  
4 your application was a lie?

5 A Yes.

6 Q And he told you it's okay?

7 A Yes.

8 Q And do I understand your testimony that --  
9 that but for him telling you it was okay, that you  
10 would have corrected your application?

11 A I did not say that.

12 Q So you would not have corrected your  
13 application?

14 A I can't say whether I would have or not.

15 Q Well, you didn't change it, did you?

16 A No, I did not.

17 Q And it's untruthful, isn't it?

18 A It is.

19 Q Why did you leave employment at Nomac?

20 A I left employment at Nomac because after  
21 three days on one hitch and one day on the other,  
22 they had come up with an excuse to fire my brother  
23 already, and it was hinted that I wouldn't be long  
24 to follow.

25 Q Why -- why did -- why did they come up

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1 marked out there, and then there's a date of  
2 8/3/08 there, yes.

3 Q Yeah. It looks like 8/4/08 was marked  
4 out --

5 A I can't --

6 Q -- and 8/3/08 was written above it; is  
7 that correct?

8 A I can see the 8/3. As to what the date  
9 below it is, I couldn't even begin -- they've marked  
10 it out so well that you can't really distinguish  
11 what it is.

12 Q All right. And then it's got a date of  
13 termination 8/15/08. Do you see that?

14 A I do.

15 Q August 15; is that right?

16 A That is the date, yes.

17 Q Okay. And then it says that you  
18 voluntarily terminated your employment. Was that  
19 true?

20 A I don't believe that to be true.

21 Q All right. And then right below that it  
22 says the reason for termination, and it's got a lot  
23 of -- like, it's got no call, no show,  
24 insubordination. And the one that's checked is  
25 called "voluntary resignation."



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1           **A**     I see that, yes.

2           **Q**     Was that true?

3           **A**     I don't believe so, no.

4           **Q**     Okay. Then below -- down below it says,  
5           "If termination was voluntarily, what reason did the  
6           employee give for resignation?" This says, Brad  
7           quit because his brother was fired for poor work  
8           performance, and he also quit in the middle of his  
9           work tower." Is that what that says?

10          **A**     That is what it reads, yes.

11          **Q**     Do you dispute the accuracy of this  
12          document --

13          **A**     I do.

14          **Q**     -- insofar as it relates to that?

15          **A**     I do.

16          **Q**     Okay. Is it -- do you deny that you  
17          voluntarily resigned?

18          **A**     I do.

19          **Q**     And is it your testimony that you were  
20          involuntarily terminated?

21          **A**     It is.

22          **Q**     All right. And what reason was given to  
23          you for the -- for the -- for the involuntary  
24          termination of your employment at Nomac?

25          **A**     I was told they found a reason to fire

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1 Jon, they would find one for me.

2 Q And who told you that?

3 A The floor hand I worked with.

4 Q The floor hand you worked with?

5 A That is correct.

6 Q Did anybody in management tell you that?

7 A I don't have a memory of anybody in  
8 management telling me that, no.

9 Q So the answer is no?

10 A I don't have a memory of it, is my answer.

11 Q You can only testify about what you  
12 remember, right?

13 A That's correct.

14 Q So your testimony is it did not happen?

15 A That is not what I said. My testimony is  
16 I do not remember it happening.

17 Q Well, I'm -- I guess I'm trying to  
18 understand. Is it your testimony that, I did have a  
19 conversation with somebody in management, but I just  
20 don't remember it? Is that your testimony?

21 A No. My testimony is that if -- if it was  
22 discussed to me from management, I don't recall it  
23 at this time.

24 Q Right. But you do recall having a  
25 conversation with some floor hand --

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1           **A**     I do.

2           **Q**     -- that said if they found a reason to  
3     terminate your brother, they'll find a reason to  
4     terminate you?

5           **A**     I do.

6           **Q**     Did you ever confirm the accuracy of that  
7     information?

8           **A**     I asked my driller at the time why they  
9     were firing Jon --

10          **Q**     Uh-huh.

11          **A**     -- and he listed off a couple of the  
12     reasons, and we proceeded to have --

13          **Q**     What reasons did he give you?

14          **A**     I don't remember the exact details of it.  
15     One of them had something to do with -- the only one  
16     I can remember for sure, what it had to do with was  
17     him not mixing his towerly treatment 30 minutes  
18     prior to the end of shift.

19          **Q**     All right. And -- but at the time that  
20     your brother was terminated, did you walk off the  
21     job with him?

22          **A**     I did not walk off the job with him, no.

23          **Q**     When did you leave the employment -- when  
24     did you leave the job site?

25          **A**     I -- I left at the same time Jon did, yes.

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1           **Q**     All right. So -- and was he -- his  
2           employment was terminated, wasn't it?

3           **A**     It was.

4           **Q**     All right. And did anybody ever tell you,  
5           hey, your job is being terminated? Anybody in  
6           management tell you that?

7           **A**     It was implied to me that --

8           **Q**     No, sir. I said did anybody ever tell you  
9           that, speak to you those words.

10          **A**     If management had directly told me that, I  
11          don't remember that happening, no.

12          **Q**     All right. So you can't testify that it  
13          happened, can you?

14          **A**     No. I would not be able to testify.

15          **Q**     All right. So in any event, you left  
16          employment with your brother after he was  
17          terminated, correct?

18          **A**     That is correct.

19          **Q**     All right. And do you recall how much  
20          money you were making on an hourly basis while you  
21          worked at Nomac?

22          **A**     I can't recall.

23          **Q**     Was it more or less than you made at Unit?

24          **A**     Again, I can't recall.

25          **Q**     Where -- where were you working at Nomac,

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1 when you worked at Nomac?

2 **A** At one point in time I could have told you  
3 the exact town. Southwestern Oklahoma, more south  
4 than west.

5 **Q** All right. Was it -- was it closer to  
6 your home than working in Antlers?

7 **A** I don't believe so --

8 **Q** Do you think it was --

9 **A** -- but I couldn't testify. I would say it  
10 was probably comparable.

11 **Q** Do you think it was further away?

12 **A** I think it would have been roughly about  
13 the same.

14 **Q** About the same distance?

15 **A** Correct.

16 **Q** All right. And did Nomac pay for your  
17 travel expenses?

18 **A** I don't recall whether I was receiving  
19 per diem or not through them. I don't believe I  
20 was, but I wouldn't swear that I wasn't.

21 **Q** All right. And then what about your --  
22 and per diem would cover your food cost?

23 **A** Well, so they claim, yes.

24 **Q** All right. And did they pay for -- did  
25 they provide a place to stay?

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1           **A**     They did.

2           **Q**     So in terms of your expenses, your  
3           expenses would have been -- would have been about  
4           the same as they were at Unit; is that right?

5           **A**     No, that's not right. It would have been  
6           a little bit more. The bunkhouse was off location.

7           **Q**     Well, wasn't the bunkhouse off location  
8           in -- at Rig 150?

9           **A**     Oh, well, at the time of termination with  
10          Unit it was, yes.

11          **Q**     All right. So it would have been about  
12          the same in terms of the expenses?

13          **A**     I would guess that it would be roughly  
14          about the same in expenses.

15          **Q**     Okay. And do -- you do know, don't you,  
16          that you made more money on an hourly basis at Nomac  
17          than you made at Unit, right?

18          **A**     I do not know that, no.

19          **Q**     You don't remember that?

20          **A**     No. I do not remember what I was making.

21          **Q**     All right. As I understand, after you  
22          left Nomac, then you went to work for Cactus?

23          **A**     I believe that's correct, yes.

24          **Q**     And do you know where you worked when you  
25          worked for Cactus?

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1           **A**     I can't say for sure whether or not. I  
2     think it was all right. I mean, I -- was I -- I  
3     don't know. Reword the question.

4           **Q**     Did you think --

5           **A**     No. Probably not, no.

6           **Q**     Do you think it was improper for them to  
7     lie to you?

8           **A**     I don't believe it was their intent to lie  
9     to me whenever I hired on with them. I think it was  
10    an unfortunate circumstance that caused it.

11          **Q**     So you don't believe they lied to you?

12          **A**     I don't believe they intentionally lied to  
13    me..

14          **Q**     Well, is there any other type of lie  
15    besides an intentional lie?

16          **A**     Yes.

17          **Q**     There's an unintentional lie?

18          **A**     Yes.

19          **Q**     Really?

20          **A**     Yes, I believe there is.

21          **Q**     All right. And do you believe they  
22    unintentionally lied to you?

23          **A**     I do.

24          **Q**     Did you ever -- and what happened to your  
25    employment? In other words, how did it end?

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1           **A**     It ended whenever I was involuntarily  
2           terminated for not showing up to the rig where they  
3           had permanently assigned me at a lower pay rate than  
4           what I had hired on for.

5           **Q**     And so you -- you refused to come to work  
6           at that lower rate; is that --

7           **A**     That is correct.

8           **Q**     Okay. Did you ever file any sort of a  
9           complaint against Cactus?

10          **A**     Again, define "file."

11          **Q**     Pursue, assert.

12          **A**     I had a verbal conversation with the -- I  
13          think she's over HR for Cactus there in the Oklahoma  
14          City office --

15          **Q**     Uh-huh.

16          **A**     -- about the fact that I didn't appreciate  
17          that I wasn't getting to go out on the new rig and  
18          that they were putting me at a permanent floor hand  
19          position, yes.

20          **Q**     All right. And what did she say?

21          **A**     She said that unfortunately, that was all  
22          she could do, that she has no control over what the  
23          superintendents decide to do with me.

24          **Q**     Okay. What did you do about that?

25          **A**     I left it at that.

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1           **Q**     Okay. So that was the only conversation  
2           you had is you just didn't feel like it was fair?

3           **A**     That's correct.

4           **Q**     So you -- so was your employment  
5           involuntarily terminated because you didn't show up?

6           **A**     It was.

7           **Q**     And then did your brother Jon leave his  
8           work at Cactus because of your involuntary  
9           termination?

10          **A**     I'm not for sure as to the exact details  
11          behind his ending of employment with Cactus.

12          **Q**     You don't know that?

13          **A**     I can't testify one way or the other on  
14          his.

15          **Q**     What do you think happened?

16          **A**     I believe he was involuntarily terminated  
17          because he refused to work in the conditions they  
18          were sending him out in.

19          **Q**     All right.

20          **A**     But as far as testifying to it, I -- I  
21          can't say for sure.

22          **Q**     Were you working on different rigs at that  
23          time?

24          **A**     Unfortunately, we were, yes.

25          **Q**     All right. Let me hand you what's been

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1 Q Well, who -- who -- who told you that they  
2 knew anything about your employment at Unit?

3 A The individual that interviewed us.

4 Q Who was that?

5 A I cannot recall his name.

6 Q So everything you know is hearsay from  
7 that person?

8 A No.

9 MS. GOWENS: Object to the form.

10 Q (BY MR. TURNER) Go ahead.

11 A I've answered.

12 Q You can't identify that person?

13 A As my memory serves me today, no, I  
14 cannot. Without something to aid me in who did my  
15 interview, I can't sit here and tell you his name,  
16 no.

17 Q But -- but you didn't -- you didn't even  
18 include Nomac, right?

19 A That is correct.

20 Q But you included Unit on this application?

21 A I did, yes.

22 Q All right. Do you agree that you  
23 intentionally omitted information on your  
24 application about your employment history?

25 A I did, yes.

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1           Q     And that that was a lie?

2           A     An omission isn't necessarily a lie, as  
3     far as I understand.

4           Q     It's a falsification of this employment  
5     application, though, isn't it?

6           A     Right. But omission -- I believe it  
7     states to pertinent. I believe it says omit  
8     pertinent information.

9           Q     Yeah. Or have provided any false  
10    information?

11          A     So if I didn't believe it to be pertinent,  
12    then -- then I wouldn't have been in the wrong  
13    for --

14          Q     Okay. So that's your --

15          A     -- omitting it.

16          Q     That's the way you construed that --

17          A     It is.

18          Q     -- is that's their -- you read this  
19    closely enough to say, oh, that's probably -- my  
20    last employment that ended four days ago  
21    involuntarily is probably not pertinent to their  
22    decision about whether to hire me. That's how you  
23    construed that?

24          A     I can't say for sure that it was.

25          Q     Well, but you read this closely enough to

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1 employers for the prior ten years, right?

2 **A** That is correct.

3 **Q** So that would be false, wouldn't it?

4 **A** No. That would be an omission that wasn't  
5 pertinent.

6 **Q** Okay. So when you write Nabors is your  
7 most recent, most current employer, that wouldn't --  
8 that would be false, wouldn't it?

9 **A** That part would be false, yes.

10 **Q** All right. So that would be a false  
11 statement?

12 **A** That -- that would be, yes.

13 **Q** Okay. And then here -- I notice here on  
14 Nabors that you identified yourself as a motor man.  
15 Were you a motor man at Nabors?

16 **A** I was.

17 **Q** Okay. And then do I also understand  
18 that -- you also said the reason that you left  
19 Nabors was too far to drive?

20 **A** That is what it says, yes.

21 **Q** That's a lie, isn't it?

22 **A** Yes, it is.

23 **Q** So that would be false information?

24 **A** It would be, yes.

25 **Q** And then at Unit you indicated that you

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1 worked from October of '07 to April of '08?

2 **A** Again, that is what I wrote, yes.

3 **Q** That's a lie, isn't it?

4 **A** Wait a minute. Could you -- oh, sorry.

5 We're still on Nabors? Could you repeat the  
6 question?

7 **Q** Yeah. Unit -- you with me, Unit?

8 **A** Unit. Okay.

9 **Q** It says you worked from October of '07 to  
10 April of '08.

11 **A** That is incorrect.

12 **Q** That's a lie?

13 **A** That is a lie, yes.

14 **Q** Right. You didn't work -- you didn't  
15 begin to work at -- you were in the service in  
16 October of '07, weren't you?

17 **A** Not at the date that's on the paper, no.

18 **Q** Okay. Were you trying to testify that --  
19 I mean, that you got a job immediately after you  
20 left the service? Is that the purpose for  
21 falsifying that information?

22 **A** I don't recall what the purpose of  
23 falsifying it was.

24 **Q** What was your motivation there to -- to  
25 lie about the dates of your employment at Unit?

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1 acknowledgment section.

2 Q Okay. Good. I hope you tell that to the  
3 jury. I really do.

4 MS. GOWENS: Object to the form.  
5 Argumentative. Wait for a question.

6 Q (BY MR. TURNER) I hope that's your  
7 explanation.

8 MS. GOWENS: Object to the form again.  
9 Wait for a question.

10 Q (BY MR. TURNER) What happened to your  
11 employment at Cactus?

12 A It was terminated.

13 Q Uh-huh. Involuntarily?

14 A I believe it was, yes.

15 Q Because you no-called, no-showed?

16 A I can't testify as to whether it was a no  
17 call, no show.

18 Q Was it a no show?

19 A It was.

20 Q You just don't know whether you called or  
21 not?

22 A Correct. I can't testify for sure whether  
23 I did or not.

24 Q Let me -- let me hand you what's been  
25 marked as Exhibit 31. And, first of all, I notice

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1       that the document is dated on the 14th day of  
2       October. Do you see that?

3           **A**     I do see that.

4           **Q**     All right. So that would have been within  
5       a couple of months of your employment starting at  
6       Cactus; is that correct?

7           **A**     That would be correct, yes.

8           **Q**     And where were you assigned in October of  
9       '08? What -- it says you were on Rig 301. Do you  
10      know where that was located at the time of your  
11      employment ending?

12          **A**     I do not.

13          **Q**     You don't remember whether it was in  
14      Oklahoma or Texas?

15          **A**     I can't recall where 301 was located.

16          **Q**     All right. Do you agree that that's the  
17      rig to which you were assigned?

18          **A**     I can't testify -- I was under the  
19      assumption it was 331 I was assigned to. But,  
20      again, I -- my memory isn't clear enough on that. I  
21      was on so many rigs with them.

22          **Q**     Okay. It says here the reason for your  
23      status change was no call, no show -- I'm sorry --  
24      no show, no call.

25          **A**     That is what it says, yes.

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1           **Q**     Do you have any reason to dispute that?

2           **A**     I -- I vaguely remember having a  
3 conversation, again, with Christy in HR about the  
4 fact that I didn't appreciate being put on a rig  
5 that I wasn't hired for. So I would assume I would  
6 have implied something in there, but I -- I can't  
7 testify definitively about whether I was a no call,  
8 no show.

9           **Q**     You don't have any evidence, do you, that  
10 contradicts this document, do you?

11          **A**     Just my --

12                   MS. GOWENS: Object to the form. You can  
13 answer.

14                   THE WITNESS: Just my vague recollection  
15 of calling Christy, but I can't remember without  
16 something to help me revisit the conversation as to  
17 exactly what was stated during that or exactly when  
18 it took place. But I'm pretty sure it was right  
19 around -- I can't remember if it was right before or  
20 right after I was supposed to be out there or what,  
21 but --

22          **Q**     (BY MR. TURNER) Okay. So you don't  
23 remember the timing well enough to be able to  
24 dispute that it was a no call, no show; is that  
25 right?

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1           **A**     To the best of my knowledge today, no.

2           **Q**     All right. Did I ask you how much money  
3           you were making at Nomac on an hourly basis?

4           **A**     I can't remember if you did. I think you  
5           did. But, again, I couldn't tell you for sure what  
6           I was making there.

7           **Q**     Was it more or less than you were making  
8           at Unit? Do you recall?

9           **A**     Again, I can't remember what I was making,  
10          so I wouldn't be able to answer whether it was more  
11          or less.

12          **Q**     All right. And then you went to work  
13          where? Patterson; is that right?

14          **A**     After Cactus, I believe it was Patterson.

15          **Q**     Uh-huh. And how long did you work for  
16          Patterson?

17          **A**     Less than a month.

18          **Q**     And what was the reason for you leaving?

19          **A**     I was terminated.

20          **Q**     And why were you terminated?

21          **A**     Because the driller didn't appreciate me  
22          making him look bad in front of a company man.

23          **Q**     All right. Did you get into an argument  
24          with the driller?

25          **A**     I did.

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1 employers; is that true?

2 **A** That is correct.

3 **Q** You omitted Nomac; is that right?

4 **A** That is correct.

5 **Q** So that wasn't -- that would be a  
6 falsification of the employment application, right?

7 **A** Do what, now?

8 **Q** That would be a falsification of the  
9 employment application where it asked you for the  
10 name and address of last two employers?

11 **A** That is correct.

12 **Q** So that would be a lie, wouldn't it,  
13 because those weren't your last two employers?

14 **A** That is correct.

15 **Q** All right. And then it asked for your  
16 employer -- the name of your employer, and you  
17 didn't provide either of those, right?

18 **A** That is correct.

19 **Q** Okay. Now, here it also says that with  
20 regard to Ike Moore -- and Mr. Moore, is that the  
21 person that filled out the document, Exhibit 31?

22 **A** Yeah. That's the name that's on that  
23 document, yes.

24 **Q** So he would have been a person affiliated  
25 with Cactus Drilling?

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1           **A**     That is correct.

2           **Q**     All right. And then here it says that  
3     the -- your employment at Cactus Drilling was from  
4     August 26, 2008 to October 15, 2008. Do you see  
5     that?

6           **A**     I see those -- I think those are the  
7     dates. It's kind of hard to read.

8           **Q**     Was that true?

9           **A**     No, it's not true.

10          **Q**     All right. And then the reason you  
11     left -- that wasn't the reason you left Cactus, was  
12     it, to come here?

13          **A**     No, that's not correct.

14          **Q**     So that's a lie, isn't it?

15          **A**     That is, yes.

16          **Q**     That's a falsification of your employment  
17     application?

18          **A**     It is, yes.

19          **Q**     The next one here says Kurtis -- is it  
20     Howe, H-o-w-e?

21          **A**     It is.

22          **Q**     All right. And where was Mr. Howe  
23     employed?

24          **A**     I can't really testify as to where he was  
25     employed at the time of this application.

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1           **Q**     You can't say. Okay.

2                     Did you work motors at Nabors?

3           **A**     I did.

4           **Q**     All right. And then here it says you  
5     worked from April of '07 to August of '08, so that  
6     would have been about -- that would have been about  
7     16 months for Kurtis Howe. Did you work 16 months  
8     for Mr. Howe?

9           **A**     I did not.

10          **Q**     All right. So that's a lie, isn't it?

11          **A**     Yes, it is.

12          **Q**     And then it says the reason you left  
13     working for him was to move to a new rig. That's  
14     also a lie, isn't it?

15          **A**     It is.

16          **Q**     That's a falsification of your employment  
17     application. True?

18          **A**     That is true.

19          **Q**     Now, I notice down here that your  
20     signature's down at the bottom, where you've signed  
21     the document; is that correct?

22          **A**     That you noticed it? I can't say whether  
23     you noticed it or not.

24          **Q**     Is that your signature at the bottom of  
25     the page?

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1 was terminated on the 12th day of November for  
2 "talking back to the driller and telling driller  
3 what he is going to do." Did I read that correctly?

4 **A** You did.

5 **Q** All right. And do you dispute the  
6 documentation created by Patterson with regard to  
7 the termination of your employment?

8 **A** No. I'll let it stand. I wouldn't  
9 dispute it.

10 **Q** All right. And there's no doubt, is  
11 there, that there was an involuntary termination?

12 **A** There is no doubt about that.

13 **Q** All right. And did your brother leave at  
14 the same time that you left?

15 **A** I don't believe so, no.

16 **Q** You think he stayed employed at Patterson  
17 while you -- after you left employment?

18 **A** I believe he did, yes.

19 **Q** How long did he remain employed, to your  
20 knowledge?

21 **A** To my knowledge, I couldn't tell you.

22 **Q** Do you have a memory about that,  
23 Mr. Schlottman, at all, about how long he stayed  
24 employed?

25 **A** Not anything specific, no.

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1           Q     Do you recall how much money you were  
2     making on an hourly basis at Patterson?

3           A     I do not.

4           Q     You have no recollection?

5           A     (Shakes head.)

6           Q     Do you have a range of how much money you  
7     were making on an hourly basis?

8           A     It was Wyoming, so probably mid 20s again,  
9     but I'm not for sure.

10          Q     Would it have been more money on an hourly  
11     basis than you were making at Nabors?

12          A     I'm not for sure.

13          Q     Was it in that range?

14          A     Most likely would have been, yes.

15          Q     As I understand it, then, you went to work  
16     at Pioneer Drilling after you left -- after your  
17     employment involuntarily ended at Patterson; is that  
18     true?

19          A     I believe that's right.

20          Q     All right. And I think you told me that  
21     you worked at Pioneer for two months?

22          A     Somewhere right around there, roughly.

23          Q     Around that time frame. Okay.

24                 And all of these jobs that we're talking  
25     about -- at least up to this point, these are all

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1       working on a drilling rig?

2           **A**     They were, yes.

3           **Q**     Right. I mean, working on a -- as a floor  
4       hand or a motor hand or doing something where you're  
5       actually involved in the drilling for natural gas or  
6       oil?

7           **A**     That's correct.

8           **Q**     And why did your employment end at Nabors?

9           **A**     At Nabors?

10          **Q**     I'm sorry. At Pioneer. I'm sorry.

11          **A**     At Pioneer?

12          **Q**     Yes.

13          **A**     Because we showed up, and we were told our  
14       services were no longer needed, we could go to the  
15       house.

16          **Q**     So were you -- is it your testimony that  
17       you were terminated voluntarily or involuntarily?

18          **A**     Involuntarily.

19          **Q**     All right. Do you have a recollection of  
20       your brother being terminated and you quitting?

21          **A**     I do not have a recollection of that, no.

22          **Q**     All right. Is it your recollection that  
23       somebody told you that your employment was  
24       terminated?

25          **A**     It is, yes.

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1 identified three employers, Patterson, Cactus, and  
2 Nabors. Do you see that?

3 **A** I do.

4 **Q** And those were not your last three  
5 employers, were they?

6 **A** No, they were not.

7 **Q** So that's a lie. Correct?

8 **A** That is correct.

9 **Q** And then here you -- you say that you  
10 worked derricks for Patterson and for Cactus. Do  
11 you see that?

12 **A** I do see that.

13 **Q** That wasn't true, was it?

14 **A** No. That's true.

15 **Q** Oh, you were a derrick man for Patterson  
16 and for Cactus?

17 **A** I performed that work, yes.

18 **Q** So your testimony is that you performed  
19 work on derricks at Patterson and Cactus?

20 **A** It is.

21 **Q** Okay. And then here at Patterson, it says  
22 that your employment dates were from 1/08 to -- oh,  
23 I'm sorry -- 1 October, '08, to 10 November, '08.  
24 Do you see that?

25 **A** I see that.

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1           **Q**     That's not even close, is it?

2           **A**     No, it is not.

3           **Q**     And then the next one says Nabors -- that  
4     you worked motors at Nabors. Did you work motors at  
5     Nabors?

6           **A**     I did.

7           **Q**     All right. And then you worked from 3  
8     October, '06 to February 15, '08, that you worked  
9     there for a year and a half?

10          **A**     I would assume that would be a little over  
11     a year and a half, yeah.

12          **Q**     That's a big lie, isn't it?

13          **A**     Yes, it is.

14          **Q**     Huh?

15          **A**     Yes.

16          **Q**     Look at the -- do you see the second page  
17     where you signed it at the bottom, where it says,  
18     "Acceptance of terms and conditions"?

19          **A**     I see that.

20          **Q**     And do you see there's a date -- you dated  
21     that document, didn't you?

22          **A**     I believe so.

23          **Q**     Right above that on Paragraph 6, it says,  
24     "You warrant that all information contained in this  
25     application, or otherwise provided by you to Pioneer

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1           **Q**     All right. Did you -- did you have  
2           anything to do with your brother Joseph getting  
3           hired at Unit?

4           **A**     I did.

5           **Q**     And how did you help him get hired?

6           **A**     Me and my brother spoke with the -- sorry.  
7           Me and Jon Schlottman talked with the superintendent  
8           about attempting to get another man since we were  
9           changing over from water-based mud to oil-based mud.

10          **Q**     And do you know when you had that  
11          conversation with -- with the -- did you say the  
12          drilling superintendent?

13          **A**     I did.

14          **Q**     And is this the drilling superintendent  
15          that you couldn't identify earlier?

16          **A**     It is.

17          **Q**     The person that you think may have been  
18          named Bill?

19          **A**     No. It is a different superintendent.

20          **Q**     Is it the person that you -- that was in  
21          Oklahoma?

22          **A**     It is.

23          **Q**     All right. And did you -- I thought you  
24          told me you talked to him on one occasion, and that  
25          was when you were in Antlers.

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1           **A**     Vaguely, yes.

2           **Q**     So you do recall others?

3           **A**     Yes.

4           **Q**     All right. And how many other occasions  
5 do you specifically recall, as we sit here today?

6           **A**     As I said just a minute ago, I can think  
7 of at least two for sure.

8           **Q**     All right. And were these instances where  
9 he asked you if you wanted to touch his penis -- did  
10 those occur before or after your -- your little  
11 brother Joseph came to work at Unit?

12          **A**     Before.

13          **Q**     And the -- I think you told me that you  
14 saw him -- that the -- well, you told me that he  
15 stuck his -- you recall him specifically sticking  
16 his finger down your pants on two occasions?

17          **A**     That's correct.

18          **Q**     Can you give me any details about that?

19          **A**     The first time he did it, I was out on the  
20 rig floor. I think I was pulling slips at the time.

21          **Q**     Was there anybody else present?

22          **A**     There was.

23          **Q**     Who was present?

24          **A**     Randall Moore, Jonathan Moore, and Carl  
25 Powell.

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1           **A**     He has not.

2           **Q**     After you told him, don't touch -- don't  
3     put your finger down my pants, did he stop?

4           **A**     For that day he did, yes.

5           **Q**     Is that -- was that the end of it? Did  
6     you ever have any other episodes where he stuck his  
7     finger down your pants or tried to?

8           **A**     I did.

9           **Q**     How many occasions?

10          **A**     At least one more that I can remember.

11          **Q**     All right. And when was that in  
12     relationship to the first situation?

13          **A**     I'd say approximately within two weeks.

14          **Q**     All right. And were these events before  
15     or after your brother Joseph began to work at Unit?

16          **A**     Before.

17          **Q**     And then the -- and are those the two  
18     occasions that you recall?

19          **A**     They are.

20          **Q**     All right. And the second time that he  
21     began to stick his finger down your crack, did --  
22     did you stop him again?

23          **A**     I did.

24          **Q**     All right. And did you say something to  
25     him?

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1 and who made that phone call?

2 **A** Jonathan Schlottman did.

3 **Q** Was there anybody else present besides you  
4 and Jonathan?

5 **A** Our younger brother, Joseph.

6 **Q** And where were you located when that  
7 occurred?

8 **A** We were in Antlers.

9 **Q** And where did you call?

10 **A** What do you mean?

11 **Q** Where were you calling from?

12 **A** From a pay phone.

13 **Q** And is there a particular reason why you  
14 called a pay phone -- from a pay phone?

15 **A** From a pay phone?

16 **Q** Yeah.

17 **A** Because we didn't want it traced back to  
18 us.

19 **Q** All right. And why didn't you want it  
20 traced back to you if you were the ones making the  
21 complaint?

22 **A** Because we didn't want to jeopardize  
23 retaliation.

24 **Q** You had been trained, hadn't you, that the  
25 company wouldn't tolerate retaliation?

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1           **A**     That's what we had been told, but we  
2     were -- I'm sorry. I'm trying to add to.

3           **Q**     Is that true? You had been trained by the  
4     company that it wouldn't tolerate harassment or  
5     discrimination in the workplace?

6           **A**     We had been told that, yes.

7           **Q**     And you had also been told that the  
8     company wouldn't allow retaliation against anybody  
9     if they reported a complaint, correct?

10          **A**     Again, we had been told that, yes.

11          **Q**     All right. And you had also been alerted  
12     to the company's policy against discrimination and  
13     harassment, hadn't you, when you received your  
14     orientation in Texas?

15          **A**     I can't say for sure whether or not -- I'm  
16     sure I signed something on it.

17          **Q**     Did you -- do you recall watching a video  
18     at the -- at the Weatherford office about harassment  
19     and discrimination in the workplace?

20          **A**     I recall the lady that did our paperwork  
21     turned on a video and said, don't worry about this,  
22     just let it play, fill out your paperwork. What was  
23     played on the videos, I can't tell you.

24          **Q**     You didn't watch it?

25          **A**     No, we did not.

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1           **A**     I was on some of them.

2           **Q**     And you passed that -- those physicals?

3           **A**     I did.

4           **Q**     Anything else that you physically or  
5 mentally can't do work-wise since you left the  
6 military?

7           **A**     Other than that, not that I can think of  
8 off the top of my head.

9           **Q**     And did you have a chance to think any  
10 further about what you would like in terms of  
11 restitution?

12          **A**     I have not given it any further thought.

13          **Q**     All right. Oh, you were going to tell me  
14 about Mr. Powell. I asked you if you had made a  
15 complaint against Mr. Powell or you were alleging  
16 some inappropriate behavior toward -- by Mr. Powell.

17          **A**     That is correct.

18          **Q**     And could you tell me what Mr. Powell did  
19 that you are now suing him for or suing the company  
20 for?

21          **A**     For his comments as far as referring to us  
22 as being members of the Aryan Brotherhood, for his  
23 religious jokes against our specific religion, for  
24 his general hostility, using his size to bully us.  
25 I believe the terminology that was used on the

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1 filing was hostile work environment, something along  
2 those lines.

3 Q All right. And do you think he created  
4 this -- what you refer to as a hostile work  
5 environment because of -- because of his race?

6 A I can't speculate as to why he decided to  
7 create it.

8 Q Or because of your gender?

9 A Again, I can't speculate as to why he  
10 opted to do what he did.

11 Q Or because of your religious beliefs?

12 A Again, I can't speculate as to why he  
13 chose to do what he did.

14 Q Do you have any evidence that the reasons  
15 that he did whatever he did in the workplace was  
16 because of your race?

17 A As was stated earlier in the conversation,  
18 I sat through my brother's deposition. And in an  
19 effort to alleviate an argument such as that, the  
20 evidence I have towards it would be not only my  
21 accounts of it but the accounts of the other  
22 individuals that my lawyer has obtained for that  
23 purpose.

24 Q Do you know what evidence your lawyer has  
25 obtained?



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1           **A**     I am unaware as to what she has obtained  
2     for me.

3           **Q**     All right. Did you indicate that he  
4     referred to you as a part of the Aryan Brotherhood?  
5     Did he refer to you specifically?

6           **A**     Yes, he did.

7           **Q**     All right. And on how many occasions did  
8     he refer to you as being a member of the Aryan  
9     Brotherhood?

10          **A**     I can think of at least two.

11          **Q**     All right. And what were the  
12     circumstances surrounding these, quote, statements?

13          **A**     One of them was an altercation between him  
14     and Jonathan Moore.

15          **Q**     All right. And when was this altercation?

16          **A**     I believe it was while we were rigging up  
17     on the site there in Antlers.

18          **Q**     It was actually the last hitch before you  
19     left, wasn't it?

20          **A**     No. It wasn't -- it wasn't the last hitch  
21     before I left.

22          **Q**     All right.

23          **A**     I'm pretty sure it would have been, like I  
24     said, the -- probably -- approximately three hitches  
25     before I left.

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1           **Q**     And what did he say? What did Mr. Powell  
2     say to you?

3           **A**     He didn't specifically state it to me.  
4     The comment was made about me in my presence.

5           **Q**     All right. What was he -- what did he say  
6     about you in your presence?

7           **A**     He made a comment about the fact that him  
8     and a group of individuals could take care of  
9     people -- what was the wording he used on it? The  
10    general consensus of it was that he had a group of  
11    individuals that could take care of white  
12    individuals such as the Moores and me and my  
13    brother. As to the exact terminology used, I can't  
14    testify to the exact wording of that altercation.

15          **Q**     Was that all he said? Him and a group of  
16    individuals could take care of people such as the  
17    Moores and you and your brother?

18          **A**     Well, as I said -- you even -- you  
19    abbreviated it even shorter than I did, the  
20    conversation.

21                 The comment was made that he could take  
22    care of individuals, referring to me and my brother  
23    and the Moores' race type people, and that was the  
24    part that you had left out on that last question.

25          **Q**     Well, you didn't say that.

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1           **Q**     Or a darkie?

2           **A**     Again, I don't believe I've ever heard  
3           anybody use those terminologies.

4           **Q**     All right. Have you ever -- if Mr. -- if  
5           Mr. -- if either of the Moores used those terms, do  
6           you believe that Mr. -- do you believe that  
7           Mr. Powell has the right to sue them for  
8           racial-based discrimination?

9                   MS. GOWENS: Object to the form.

10                  THE WITNESS: I suppose, yeah.

11           **Q**     (BY MR. TURNER) Any other -- you said you  
12           heard him once say that a group of -- a group of  
13           people of your race, that he could -- and you know  
14           some people who could take care of -- could take  
15           care of people such as you and your brother.

16                   Anything else that you heard him say that  
17           you thought was offensive or degrading based on your  
18           race?

19           **A**     I know at one point in time he had accused  
20           me directly of being -- I can't remember if he said  
21           a clan leader or a grand wizard or -- some kind of  
22           leader of the Ku Klux Klan.

23           **Q**     And when did he say that?

24           **A**     Oh, that would have been probably within  
25           the first -- probably sometime in the second month

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1       that I was working with him.

2           **Q**     So that would have been -- that would have  
3       been well before your little brother Joseph began to  
4       work at Unit?

5           **A**     Yes. That would be considerably before,  
6       yes.

7           **Q**     And would this -- this issue about the  
8       discussion that -- or the argument that Jonathan  
9       Moore and Carl Powell had that was about -- what you  
10      say was about three hitches before the end of your  
11      employment, would that have been before or after  
12      your little brother Joseph began to work at Unit?

13          **A**     I can't remember. It would have been  
14      either right before or right after, because it was  
15      in the same week that Joe got hired.

16          **Q**     All right. And what were the context of  
17      this comment that he allegedly made about you being  
18      a clan leader or a grand wizard?

19          **A**     I can't remember exactly what brought it  
20      up. I don't know if it was him and the Moores  
21      talking in the doghouse and I just walked into it  
22      and -- they were trying to razz me about the fact  
23      that I always wore cowboy attire and everything  
24      else, and he surmised that I was a -- a member of  
25      the Aryan Brotherhood. Or if it was because of my

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1       haircut or what. I can't remember. There was  
2       something -- something to do with something about me  
3       that brought it up as to my appearance, but I really  
4       don't recall the exacts on it.

5           **Q**     I'm just trying to understand what he said  
6       specifically about you being a clan leader or the  
7       grand wizard.

8           **A**     Correct. That's -- that's what -- due to  
9       something about the way I was looking or something  
10      led him to believe I was a member of the Ku Klux  
11      Klan and that he would guess that I was probably a  
12      clan leader or the grand wizard or something along  
13      those lines, something -- something referring to a  
14      leadership in the Ku Klux Klan.

15          **Q**     Was he serious?

16          **A**     Yes, he was.

17          **Q**     He was -- he thought -- he really  
18      thought --

19          **A**     Yes. He was --

20          **Q**     -- you were a member of the KKK?

21          **A**     -- dead serious about it.

22          **Q**     All right. Dead serious?

23          **A**     Okay. Maybe I used that term a little too  
24      literally. He was very serious about it.

25          **Q**     Did you report that to anybody?

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1           **A**     I may have talked to Shane about it, but I  
2     don't -- I don't remember if I actually talked to  
3     Shane about it or not. I know I spoke with the  
4     Moores about it.

5           **Q**     Did you report it to anybody else?

6           **A**     About that specific incident?

7           **Q**     Yes.

8           **A**     Not that I can recall today.

9           **Q**     All right. Did you report the issue about  
10    this altercation between -- between Jonathan Moore  
11    and -- and Carl Powell?

12          **A**     I briefly talked with Shane about it to  
13    make sure that what Randall had told me happened  
14    really did.

15          **Q**     Did Shane -- was Shane there when it  
16    happened?

17          **A**     He was not on the floor, no.

18          **Q**     All right. Well, what did you tell Shane?

19          **A**     I asked Shane if Randall had really come  
20    down there and told him what Randall had told me he  
21    said happened.

22          **Q**     Yeah. And what did he say?

23          **A**     He said that, yes, Randall had come down  
24    there and told him.

25          **Q**     All right. And what did he say?

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1           **A**     What did who say?

2           **Q**     What did Shane say?

3           **A**     That's what Shane said, is that Randall  
4     had come down there and relayed what had happened.  
5     I said okay and walked out the door.

6           **Q**     All right. Anything else?

7           **A**     Not that I can recall.

8           **Q**     All right. Did you go to anybody else  
9     about that issue?

10          **A**     About that specific one, no.

11          **Q**     So you were just trying to find out if  
12     Randall had -- if Randall had told Shane what  
13     Randall told you he told Shane?

14          **A**     Correct.

15          **Q**     Okay. You weren't going down there for  
16     the purpose of making a complaint, were you?

17          **A**     If Randall hadn't actually told Shane what  
18     he had, yes, I would have.

19          **Q**     But you didn't complain, because your  
20     understanding was that Randall had already talked to  
21     Shane?

22          **A**     That is correct.

23          **Q**     Anybody else that you spoke with about  
24     that issue?

25          **A**     Like I said, just the Moores.

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1           **Q**     Right. Anybody in management?

2           **A**     Not that I'm aware of. Not me  
3 specifically, no.

4           **Q**     Okay. Any other inappropriate comments or  
5 degrading, offensive behavior by Carl Powell?

6           **A**     As to the specifics of it, just -- I'm  
7 trying to think of the particular incidence. Give  
8 me a minute to -- there's no other specific  
9 incidence, as I sit today, that really just stands  
10 out. That's not to say there isn't something else  
11 that happened, but I can't remember it right now.

12          **Q**     Are you alleging that Carl Powell treated  
13 you differently because you're white?

14          **A**     I believe he did, yes.

15          **Q**     All right. Do you have anybody that he --  
16 that he worked with that was black that you believed  
17 he treated more preferentially or differently?

18          **A**     I do not know anybody that is of that race  
19 that worked with him, no.

20          **Q**     So you don't have anybody to compare  
21 yourself to who is of a -- who is African-American?

22          **A**     That is African-American, no.

23          **Q**     Everybody that you worked with was  
24 Caucasian?

25          **A**     No.

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1           **Q**     Everybody that was on your crew was  
2     Caucasian?

3           **A**     That was on my crew, yes.

4           **Q**     Yeah. And did -- did he treat anybody  
5     differently than he treated you?

6           **A**     On --

7           **Q**     Your crew.

8           **A**     My crew or the rig?

9           **Q**     On your crew.

10          **A**     On my crew?

11          **Q**     Yes.

12          **A**     Specifically as in regards to --

13          **Q**     Race.

14          **A**     Race?

15          **Q**     Yes.

16          **A**     No. He treated us all pretty well like  
17     trash.

18          **Q**     All right. Did he treat you with respect?

19          **A**     Touch and go. Some days he would treat me  
20     with more respect than others.

21          **Q**     Did he treat you with dignity?

22          **A**     Depending on the mood he was in, he did.

23          **Q**     Did he ever -- did he ever do anything to  
24     terminate your employment or attempt to terminate  
25     your employment?

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1           **A**     If he did, I'm not aware of what it was.

2           **Q**     But he had the power to terminate your  
3 employment, right?

4           **A**     I'm not for sure as to what the  
5 stipulations with Unit is. I'm sure he had the  
6 recommendation for it. As to whether he actually  
7 had the power to end my employment or not, I  
8 couldn't testify.

9           **Q**     Well, he was your boss, wasn't he?

10          **A**     He was the supervisor, yes.

11          **Q**     And he was the one to whom you directly  
12 reported, right?

13          **A**     Correct.

14          **Q**     Anything else that Mr. Powell did that you  
15 thought was -- that you're complaining about in this  
16 lawsuit?

17          **A**     Like I said, off the top of my head right  
18 now, those are the only two instances that I can --

19          **Q**     So two occasions of what you thought was  
20 improper speech?

21          **A**     As we sit today, yes. That's all I can --

22          **Q**     Did he ever -- did he ever touch you  
23 inappropriately?

24          **A**     No. I don't believe Carl ever did.

25          **Q**     Did he ever physically damage you in any

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1 way?

2 **A** He used his size to try to get me to cower  
3 down to him.

4 **Q** Did you cower down to him?

5 **A** I was intimidated by him, yes.

6 **Q** Well, he's a large guy, right?

7 **A** Very large.

8 **Q** Did you ever complain to anybody about  
9 that --

10 **A** Just --

11 **Q** -- that he -- that you thought he was  
12 trying to get you to cower down to him?

13 **A** Just the Moores.

14 **Q** All right. Anybody else?

15 **A** I may have mentioned something to Shane  
16 about it, but I can't recall off the top of my head  
17 a specific time where I would have gone in to him to  
18 talk to him about it.

19 **Q** Can you identify anytime where you  
20 complained to Mr. Battles that Mr. Moore was trying  
21 to intimidate you?

22 **A** If you're referring to Carl on that one,  
23 no. You said Mr. Moore.

24 **Q** Oh, I'm sorry.

25 Mr. -- where you went to Mr. Battles and

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1 told him that Mr. Powell was trying to intimidate  
2 you?

3 **A** Not that I can recall off the top of my  
4 head.

5 **Q** All right. Are you alleging that he  
6 discriminated against you on the basis of your  
7 religious beliefs?

8 **A** I am.

9 **Q** And have you asserted a charge of  
10 discrimination against him on the basis of your  
11 religious beliefs?

12 **A** I don't recall if it's in the EEOC  
13 complaint or not. I really can't remember.

14 **Q** What did Mr. Powell do that you thought  
15 was discriminatory that -- and, by the way, did  
16 these two incidents that happened over this -- the  
17 length of your employment, did they affect your  
18 workplace? In other words, were you able to  
19 continue to do your job, even though he made  
20 these -- you allegedly made these comments?

21 **A** I was constantly wondering whether he was  
22 going to get into a physical altercation with me,  
23 things of those natures.

24 **Q** Uh-huh.

25 **A** But did I overcome them and still manage

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1 to do my job? Yes.

2 Q All right. Did Mr. Powell -- did you  
3 suffer any emotional distress as a result of  
4 Mr. Powell's treatment of you?

5 A I felt as though I was being bullied by  
6 him.

7 Q Did he ever touch you?

8 A Again, like I said before, I don't recall  
9 a time where he ever actually physically laid hands  
10 on me, no.

11 Q All right. Did he ever threaten you?

12 A Other than the instance where he was  
13 referring to his entire crew during the altercation  
14 between Jonathan and himself, I don't -- I don't  
15 recall one that just really stands out in my mind  
16 right now. But, again, there's nothing to say that,  
17 given his testimony or someone else's, I wouldn't  
18 remember an instance.

19 Q I'm just asking if you have any  
20 recollection of any threats that he made to you or  
21 against you.

22 A Not off the top of my head. No, I do not.

23 Q And what -- what -- what did he do that  
24 you thought was discriminatory towards you about  
25 your religious beliefs?

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1           **A**     To the best of my knowledge, as we sit  
2     here today, that -- that was all of it.

3           **Q**     Is there anything --

4           **A**     We discussed the --

5           **Q**     I'm sorry. Is there anything you want the  
6     company to do about what you consider to be  
7     religious -- or consider to be racial  
8     discrimination?

9           **A**     Yes. I believe that along with the sexual  
10    harassment and everything else, there is not an  
11    appropriate communication between the higher-ups and  
12    the -- the roughnecks on the rig to say, hey, look,  
13    if you file, we will do something about this.

14          **Q**     Did you ever report to anybody your -- you  
15    told me you -- right -- you never reported to  
16    anybody any of the racial issues, right?

17          **A**     I think I said that I may have talked to  
18    Shane about it, but I can't remember.

19          **Q**     Right. But you can't testify, as we sit  
20    here today, that you talked to any member of  
21    management, can you?

22          **A**     As I said, I can't recall whether I did or  
23    did not talk with Shane.

24          **Q**     All right. And so -- okay. And did you  
25    ever -- did you ever complain to anybody in

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1       this document?

2           **A**     To my knowledge, no.

3           **Q**     All right. Here's what you wrote. "Tool  
4       pusher chasing hands with pant around ankle with  
5       penis in hand." Is that what you wrote?

6           **A**     That's what it says, yes.

7           **Q**     All right. And the second sentence is,  
8       "tool pusher putting" -- is that putting?

9           **A**     I believe it is, yes.

10          **Q**     Does putting have two Ts or one?

11          **A**     I'm not an English teacher. I couldn't  
12       tell you for sure.

13          **Q**     All right. "Putting finger down pants and  
14       in butt crack" -- is that supposed to be  
15       "et cetera"?

16          **A**     I believe that's what I was intending by  
17       it, yes.

18          **Q**     And what is meant by the words  
19       "et cetera"?

20          **A**     And other things, I believe is what  
21       "et cetera" stands for.

22          **Q**     All right. And then you said, "Driller  
23       telling hand he would beat them up and they could  
24       just call all three Aryan Brotherhood buddy"?

25          **A**     I believe that's "all their Aryan

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1 Brotherhood buddy."

2 Q "All their" -- oh, their. I got you.

3 A Yes. It should have had an apostrophe, I  
4 believe is what the grammatical -- well, maybe not.  
5 I don't know. I'm not extremely good with writing,  
6 as you can tell by my handwriting.

7 Q All right. But those are the words you  
8 wrote to the EEOC, correct, when you filled out this  
9 questionnaire?

10 A That is correct.

11 Q And were these things true when you wrote  
12 them?

13 A I believe they were, yes.

14 Q Now, you said here, "Driller telling hand  
15 he would beat them up." Who did -- who did -- I  
16 assume you're referring to Carl Powell?

17 A I am.

18 Q "Telling hand" -- who is the hand?

19 A The hand would be Jonathan Moore.

20 Q Okay. Telling Jonathan Moore he would  
21 beat them up and they could just call their Aryan  
22 Brotherhood buddy; is that right?

23 A That's what it says, yes.

24 Q Okay. And that's what you're referring to  
25 there?



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1           **A**     Yes, that is what I'm referring to there.

2           **Q**     And that's the entirety of the allegations  
3     that you make in the questionnaire; is that true?

4           **A**     That's all that is on the questionnaire,  
5     yes.

6           **Q**     Okay. And that was written during -- at  
7     least while you were still employed at Unit,  
8     correct?

9           **A**     That is correct.

10          **Q**     And you've already previously testified  
11     that your memory was better then than it is today;  
12     is that true?

13          **A**     I believe I testified to something along  
14     those lines, yes.

15          **Q**     Let me hand you what's been marked as  
16     Exhibit No. 39 to this proceeding and ask if you can  
17     identify this document for me, please.

18          **A**     I believe this documentation is EEOC  
19     Form 5.

20          **Q**     All right. And do you know what that is?

21          **A**     It says Charge of Discrimination at the  
22     top.

23          **Q**     Okay. And I notice that there's a  
24     signature on the bottom left-hand corner. Do you  
25     recognize that signature?

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1           **A**     I do.

2           **Q**     And right above it, it says, "I declare  
3 under penalty of perjury that the above is true and  
4 correct." Do you see that?

5           **A**     I do.

6           **Q**     Do you understand what that term means,  
7 "penalty of perjury"?

8           **A**     Vaguely, yes.

9           **Q**     What do you understand it to mean?

10          **A**     I understand it to mean that I can be  
11 charged in court and, if found guilty, be sentenced  
12 for lying.

13          **Q**     But you wouldn't lie, would you?

14          **A**     Under the right circumstances I would,  
15 yes.

16          **Q**     Okay. Well, you certainly would never lie  
17 on a charge of discrimination, would you?

18          **A**     Under penalty of perjury, no, I would not.

19          **Q**     Here you indicate that you're alleging  
20 discrimination based on race and sex. Do you see  
21 that?

22          **A**     I do.

23          **Q**     And then to the right of that you say the  
24 dates the discrimination took place were 9/21/07 to  
25 April 14, '08; is that correct?

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1           **A**     That's what -- it says the earliest would  
2     have possibly been -- the earliest possible date  
3     would be 9/21/2007 and the latest possible date  
4     would have been 4/14/2008, yes.

5           **Q**     Right. And you signed this document as  
6     that being true?

7           **A**     I did.

8           **Q**     Okay. Then you indicate here, "I have  
9     worked for Unit Drilling for approximately six  
10    months. I have been subjected to numerous incidents  
11    which constitute racial harassment by my supervisor,  
12    Carl Powell, black male, and have been sexually  
13    harassed by Shane Battles, white male." Was that  
14    true?

15          **A**     That's what's on here, yes.

16          **Q**     All right. Was that true at the time you  
17    signed this under penalty of perjury?

18          **A**     It was, yes.

19          **Q**     "Such racial harassment consists of  
20    referring to me as a member of the Aryan  
21    Brotherhood"?

22          **A**     If that's how you spell Aryan. But, yes,  
23    that's what it says.

24          **Q**     Did Mr. Powell refer to you as a member of  
25    the Aryan Brotherhood?

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1           **A**     I believe that's what the Ku Klux Klan is,  
2     is Aryan Brotherhood, is it not?

3           **Q**     And then, "and threats of bodily harm."  
4     Did he ever threaten you? You told me earlier he  
5     never threatened you physically.

6           **A**     No. I don't believe I ever said he never  
7     threatened me. Actually, I believe I -- I believe  
8     it is my testimony that he did threaten me  
9     through -- what was the term -- what was the exact I  
10    used -- using his size advantage over me to threaten  
11    me, I believe was my testimony earlier.

12          **Q**     No. This says, "threats of bodily harm."  
13    That's what it says.

14          **A**     Right.

15          **Q**     So that means threats of hurting you. And  
16    you told me earlier under oath that he never  
17    threatened to hurt you.

18          **A**     I don't believe I ever testified to that.  
19    I believe I testified --

20          **Q**     Well, the record will be very clear about  
21    that, Mr. Schlottman.

22          **A**     Shall we recall the record, then?

23          **Q**     We don't need to. We'll just do that in  
24    court.

25          **A**     Okay.

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1           **Q**     Is it your testimony today that he made a  
2           threat of bodily harm against you, that he  
3           threatened to hurt you?

4           **A**     It is my belief, yes.

5           **Q**     No. No. He made a threat. What threat  
6           did he make to you that he was going to hurt you?

7           **A**     His towering over me and trying to make me  
8           cower down to him is a threat.

9           **Q**     Did he ever tell you he was going to do  
10          bodily harm to you?

11          **A**     Did he verbally threaten me?

12          **Q**     Yes.

13          **A**     I can't recall if he ever did.

14          **Q**     Do you have any -- can you testify about  
15          any single incident today where Mr. Battles -- I  
16          mean, Mr. Powell made a threat of bodily harm to  
17          you?

18          **A**     Actually, yes. I believe I testified to  
19          it earlier, as memory recalls. I believe I  
20          testified as to the altercation between him and  
21          Jonathan. The verbal threat he even made during  
22          that was to our entire crew on it, as to he had --  
23          him and the group -- I don't remember the exact  
24          group he was referring to -- could take care of all  
25          of us, implicating a verbal threat to me that he

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1 would do bodily harm to both -- to all of us.

2 Q All right. So that's what you're talking  
3 about when you say "threats of bodily harm"?

4 A That, and like I stated earlier, as far as  
5 bullying me with his size and other things, yes.

6 Q You say the sexual -- and are those the  
7 only two things that you identified here as being,  
8 quote, racial harassment, right?

9 A That's all that is written on here, yes.

10 Q Yeah. It says, "that consists of  
11 referring to me as being a member of the Aryan  
12 Brotherhood and threats of bodily harm, period."  
13 Right?

14 A That's what it says, yes.

15 Q Then it says, "The sexual harassment" --  
16 and these are -- this is your charge, right? This  
17 is the document you filed under penalty of perjury  
18 with the EEOC, correct?

19 A Again, I'm not sure as to the terminology  
20 of "I filed." I signed the paperwork, yes.

21 Q Yeah. This is your -- your statement to  
22 the EEOC that you were wanting to assert a complaint  
23 against Unit Drilling Company, correct?

24 A That it is, yes.

25 Q This says, "The sexual harassment consists

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1 of being subjected to physical touching of my butt  
2 and having Mr. Battles drop his pants and expose his  
3 penis, period." Did I read that correctly?

4 **A** You did.

5 **Q** "I personally have complained of the  
6 racist comments and am aware that others have  
7 complained of the sexual harassment."

8 **A** That's correct.

9 **Q** So you don't even say in this document  
10 that you complained about sexual harassment, do you?

11 **A** I don't see anywhere where it is stated in  
12 there, no.

13 **Q** Right. And you say here you personally  
14 complained about the racist comments, but you told  
15 me you had no recollection of making any such  
16 complaints.

17 **A** And as I sit here today, I still cannot  
18 remember any exact detail of it.

19 **Q** Then you say, since these -- "Since these  
20 complaints, the respondent has taken no action, nor  
21 has the behavior stopped."

22 **A** That's what it says, yes.

23 **Q** Well, Mr. Powell had not engaged in any  
24 racial harassment of you, had he, in several --  
25 several hitches, according to your testimony

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1 earlier?

2 **A** No. That --

3 **Q** Wasn't the last time he made a comment  
4 was, like, three hitches before the end of  
5 employment, where you said he made this Aryan  
6 Brotherhood comment?

7 **A** I don't believe I ever stated that was the  
8 last comment.

9 **Q** Can you testify about any more recent  
10 comment than that comment?

11 **A** Can I give a definitive example of one  
12 during that time frame, off the top of my head  
13 today, as we sit?

14 **Q** Can you identify one incident after that  
15 event where you are alleging that Mr. Powell engaged  
16 in racial harassment?

17 **A** I can't recall any, as I sit here today,  
18 no.

19 **Q** Well, you certainly weren't the victim of  
20 any racial harassment on the 14th day of April, were  
21 you?

22 **A** I'm not for sure if there was any comment  
23 made that -- I can't remember if there was a comment  
24 made that day or not.

25 **Q** Well, certainly you would have remembered



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1 break. If you'll give me two minutes, that will --  
2 let's go off the record, take a break, and I will go  
3 through my notes. And you guys can sit right here.  
4 You don't have to leave.

5 THE VIDEOGRAPHER: We are off the record.

6 (A break was taken from 6:27 p.m. to  
7 6:30 p.m.)

8 THE VIDEOGRAPHER: We're on the record.

9 Q (BY MR. TURNER) Mr. Schlottman, have  
10 you -- prior to going to work for Unit -- were you  
11 terminated by any other employer before you went to  
12 work for Unit --

13 A I was.

14 Q -- involuntarily?

15 A Oh, involuntarily?

16 Q Yes.

17 A Yes, I was.

18 Q Who were you terminated by?

19 A Red Lobster's.

20 Q Anybody else?

21 A No. I think Red Lobster's was it.

22 Q All right. Did you -- is it my  
23 understanding of the racial comments that Mr. Powell  
24 allegedly made, that it was really the two comments  
25 that you've told me about today; is that right, in

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1 terms of him making -- talking about an Aryan  
2 Brotherhood situation, or whatever that comment was,  
3 and then the other comment about you being in the  
4 KKK?

5 **A** Those are the two that I can remember  
6 today, yes.

7 **Q** And do you have any notes or anything that  
8 would refresh your memory?

9 **A** I have no notes. As far as anything that  
10 would refresh my memory, I am not for sure what --

11 **Q** I'm just asking if you have --

12 **A** -- statements I may hear, you know, what  
13 other accounts that someone else may tell me about  
14 that may spark a memory up.

15 I mean, certainly, you would agree that if  
16 I was to sit through someone's statement about a  
17 detailed account that involved me, it would spark  
18 something. So I cannot say that there is nothing  
19 out there that won't spark me to remember, but as I  
20 sit today, that is the best of my memory, yes.

21 **Q** And, again, certainly, your memory was  
22 better when you filed the charge and you filed  
23 the -- and you prepared the intake questionnaire  
24 would have been the best memory of the events that  
25 took place, because that was the closest in time to